# **PATENT**

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/771,987

Serial No. 10/771,987

Filing Date:	February 4, 2004	
Applicant:	Pawan Seth et al.	
Group Art Unit:	1618	
Examiner:	Melissa Jean Perreira	
Title:	EXTENDED RELEASE PHARMACEUTICAL TABLET OF METFORMIN	
Attorney Docket:	1259-000001/CPB	
Director of the United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450		
SUPPLEM	MENTAL INFORMATION DISCLOSURE STATEMENT	
Sir: Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.		
I. CONCISE EXF	PLANATION OF THE RELEVANCE (check at least one box)	
	as may be indicated below in (B), all of the patents, publications or on are in the English language (concise explanation not required).	
B.  A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):		
	ee the attached foreign patent office communication from a part foreign application:	
2. 🗌 Er	nglish translations are provided:	
3. 🗌 Ot	her:	

- C. \( \subseteq \) The following additional information is provided for the Examiner's consideration
- Response filed 9/24/2008 in co-pending application USSN 10/309,193 filed 12/4/2002:
- Supplemental Response filed 11/26/2008 in co-pending application USSN 10/309.193 filed 12/4/2002:
- Second Supplemental Response filed 1/12/2009 in co-pending application USSN 10/309.193 filed 12/4/2002; and
- Non-Final Rejection issued 4/10/2009 in co-pending application USSN 10/309,193 filed 12/4/2002.

1. Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. §

## II. THIS IDS IS BEING FILED UNDER

is required.

A. 37 C.F.R. § 1.97(b): (check only one box)

1.97(b)(1)). No fee or certification is required.

2.
3. ☐ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4. Defore the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification

#### B. X 37 C.F.R. § 1.97(c): (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

- 1. No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
- 2. See the certification below. No fee is required.

### C. 37 C.F.R. § 1.97(d):

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

- 1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
- III. PAYMENT OF FEES (check only one box, if applicable)
  - A.  $\square$  A check in the amount of \$180.00 is enclosed for the above-identified fee.
  - B. 🔀 Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-identified fee. A duplicate copy of this paper is attached.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: May 14, 2009

David L. Suter Reg. No. 30,692

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